REMARKS

The Examiner is thanked for his careful review of the art and the present application.

New claim 35 is supported in the specification, as in the amendment to claim 1.

Applicants respectfully traverse the Section 112 and Section 102 rejections set forth in the Office Action, and submit that neither rejection should be maintained.

As to the Section 112 rejections, this rejection is not well founded, as the term "extrusion reaction" is readily comprehensible in the context of the present application. The claims are directed towards to an extrusion reaction product, by which is contemplated a reaction product between the two indicated reaction components accomplished in an extruder. Extruders are well known in the art, and both extruders and reaction conditions are described in the specification, for instance at page 10. At page 10, line 4 *et seq.*, the specification indicates that "the starting materials are combined and reacted in an extruder." Certain preferred reaction conditions are provided, as is a description of a Wenger TX-57 extruder.

Other U.S. patents refer to an extruder. See, e.g., U.S. 5,916,610, claim 1, see also U.S. Patent 6,506,840, example 12 (referring to "extrusion reaction"). Applicants respectfully submit that, although the examiner may not immediately be familiar with this term, one of ordinary skill in the art would have no trouble determining the meaning of this term, particularly in light of the teachings of the specification. Applicants do not necessarily intend to equate "extrusion reaction" as used in the present invention with this term is used in other sources or patents; rather, these examples are provided to illustrate that the terms used herein is not indefinite.

With respect to the Levine reference, U.S. Patent 5,009,900, the section 102 rejection cannot be maintained. The reference does not teach derivatization in the examples, as is apparent from the extrusion temperatures provided. Nor is acid catalysis taught. In Example 2, which purports to teach extrusion of a carbohydrate mixture with malic acid, the maximum extruder temperature is said to be 118°C, which is below the melting point of the malic acid flavorant (and which would not be consistent with catalysis of a derivatization reaction by the malic acid). The highest temperature taught is 121°C (Example 3). Indeed, the reference expressly teaches the derivatization does not occur: At Col. 8, lines 57-58, the reference teaches that exposure to certain temperatures can produce "undesirable damage to the carbohydrates."

Levine does teach an upper temperature limit of 150° C, but this teaching is coupled with the suggestion that higher temperatures cause damage, and hence that, in the equipment and with the materials provided, there is no "damage" observed at the indicated temperature range. Further, Levine indicates that the extruded material preferably leaves the extruder at a temperature of no more than 125°C.

The examiner has not entered a Section 103 rejection over Levine, nor would such rejection be proper in light of the express teachings away that are contained in the reference.

For the foregoing reasons, neither rejection should be maintained. Applicants respectfully request allowance of the present application.

Respectfully submitted,

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